



February 16, 2007

HOUSE BILL No. 1231

DIGEST OF HB 1231 (Updated February 14, 2007 3:34 pm - DI 87)

Citations Affected: IC 32-21; IC 36-7.

Synopsis: Provides that if an unsafe building order is issued to a person regarding a premises owned by the person and leased to another person, the person must provide to the department administering the unsafe building law the person's name, street address (excluding a post office box address), and phone number. Provides that a conveyance may not be recorded after June 30, 2007, unless a statement is attached to the conveyance that lists the street address (excluding a post office box address) of the person to whom the property is conveyed. Provides that if an unsafe building order is issued to a person regarding a premises that is: (1) owned by the person or is being purchased by the person under a contract; and (2) leased to another person; the person must provide to the department administering the unsafe building law the person's name, street address (excluding a post office box address), and phone number.

Effective: July 1, 2007.

Day, Hinkle

January 11, 2007, read first time and referred to Committee on Government and Regulatory Reform.
February 15, 2007, amended, reported — Do Pass.

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HB 1231—LS 6619/DI 73+



February 16, 2007

First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

HOUSE BILL No. 1231

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 32-21-2-3 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. (a) For a
3 conveyance, a mortgage, or an instrument of writing to be recorded, it
4 must be:

5 (1) acknowledged by the grantor; or

6 (2) proved before a:

7 (A) judge;

8 (B) clerk of a court of record;

9 (C) county auditor;

10 (D) county recorder;

11 (E) notary public;

12 (F) mayor of a city in Indiana or any other state;

13 (G) commissioner appointed in a state other than Indiana by
14 the governor of Indiana;

15 (H) minister, charge d'affaires, or consul of the United States
16 in any foreign country;

17 (I) clerk of the city county council for a consolidated city, city

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clerk for a second class city, or clerk-treasurer for a third class city;

(J) clerk-treasurer for a town; or

(K) person authorized under IC 2-3-4-1.

(b) In addition to the requirements under subsection (a), a conveyance may not be recorded after June 30, 2007, unless a statement is attached to the conveyance that lists the street address (excluding a post office box address) of the person to whom the property is conveyed.

SECTION 2. IC 32-21-2-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 11. (a) This section applies to a conveyance or other instrument entitled by law to be recorded.

(b) The recorder of the county in which the land included in a conveyance or other instrument is situated shall record the deed or other instrument together with:

(1) the requisite certificate of acknowledgment or proof endorsed on the deed or other instrument or annexed to the deed or other instrument; **and**

(2) in the case of a conveyance recorded after June 30, 2007, the statement required by section 3(b) of this chapter.

(c) Unless a certificate of acknowledgment is recorded with a deed, the record of the conveyance or other instrument or a transcript may not be read or received in evidence.

SECTION 3. IC 36-7-9-29 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 29. (a) This section applies to a person if:

(1) an order is issued to the person under this chapter requiring action related to an unsafe premises:

(A) owned by the person and leased to another person; or

(B) being purchased by the person under a contract and leased to another person;

(2) a hearing on the order was not requested under section 5(b)(6) of this chapter, or, if a hearing was requested, the order was affirmed at the hearing; and

(3) either:

(A) the order is not being reviewed under section 8 of this chapter; or

(B) after review by the circuit or superior court, the court entered a judgment against the person.

(b) A person described in subsection (a) must provide to the department (or, in the case of a consolidated city, the enforcement

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- 1 authority) in writing the person's name, street address (excluding
- 2 a post office box address), and phone number.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Government and Regulatory Reform, to which was referred House Bill 1231, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 17, begin a new paragraph and insert:

"SECTION 1. IC 32-21-2-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. (a) For a conveyance, a mortgage, or an instrument of writing to be recorded, it must be:

- (1) acknowledged by the grantor; or
- (2) proved before a:
 - (A) judge;
 - (B) clerk of a court of record;
 - (C) county auditor;
 - (D) county recorder;
 - (E) notary public;
 - (F) mayor of a city in Indiana or any other state;
 - (G) commissioner appointed in a state other than Indiana by the governor of Indiana;
 - (H) minister, charge d'affaires, or consul of the United States in any foreign country;
 - (I) clerk of the city county council for a consolidated city, city clerk for a second class city, or clerk-treasurer for a third class city;
 - (J) clerk-treasurer for a town; or
 - (K) person authorized under IC 2-3-4-1.

(b) In addition to the requirements under subsection (a), a conveyance may not be recorded after June 30, 2007, unless a statement is attached to the conveyance that lists the street address (excluding a post office box address) of the person to whom the property is conveyed.

SECTION 2. IC 32-21-2-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 11. (a) This section applies to a conveyance or other instrument entitled by law to be recorded.

(b) The recorder of the county in which the land included in a conveyance or other instrument is situated shall record the deed or other instrument together with:

- (1) the requisite certificate of acknowledgment or proof endorsed on the deed or other instrument or annexed to the deed or other instrument; **and**

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**(2) in the case of a conveyance recorded after June 30, 2007,
the statement required by section 3(b) of this chapter.**

(c) Unless a certificate of acknowledgment is recorded with a deed,
the record of the conveyance or other instrument or a transcript may not
be read or received in evidence."

Delete page 2.

Page 3, delete lines 1 through 32.

Page 3, line 37, after "premises" insert ":

(A)".

Page 3, line 38, after "person;" insert "**or**

**(B) being purchased by the person under a contract and
leased to another person;".**

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1231 as introduced.)

STEVENSON, Chair

Committee Vote: yeas 10, nays 0.

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